

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

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901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

DOUGLAS PRODUCTS &
PACKAGING

Respondent

)

)

) Docket No. FIFRA-07-2003-0011

)

)

) CONSENT AGREEMENT AND

) FINAL ORDER

PRELIMINARY STATEMENT

1. This administrative proceeding for the assessment of Civil Penalties was initiated pursuant to § 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, 7 U.S.C. § 136 et seq., hereinafter FIFRA. The action was instituted by Complaint and Notice of Opportunity for Hearing (hereinafter the "Complaint") filed upon Respondent, alleging violations of § 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

CONSENT AGREEMENT

2. For purposes of this proceeding only, Respondent does by this Consent Agreement and Final Order admit the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations contained in the Complaint.

3. Respondent hereby explicitly waives its right to contest the factual allegations and to appeal the Final Order accompanying this Consent Agreement.

4. For purposes of this proceeding only, Respondent consents to the issuance of the Order set forth below and consents to the payment of a mitigated civil penalty in the amount of Twenty-nine Thousand Seven Hundred Dollars (\$29,700), in four (4) equal payments of Seven

Thousand Four Hundred and Twenty-five Dollars (\$7,425). The first payment of Seven Thousand Four Hundred and Twenty-five Dollars (\$7,425) shall be payable by December 15, 2002. The second payment of Seven Thousand Four Hundred and Twenty-five Dollars (\$7,425) shall be due and payable by February 15, 2003. The third payment of Seven Thousand Four Hundred and Twenty-Five Dollars (\$7,425) shall be due and payable by April 15, 2003. The fourth payment of Seven Thousand Four Hundred and Twenty-five Dollars (\$7,425) shall be due and payable by June 15, 2003.

5. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order may be claimed by Respondent as deductions for federal, state, or local income tax purposes.

6. Failure to pay the civil penalty may result in commencement of a civil action in Federal District Court to recover the full amount due, together with interest and penalties.

7. Respondent's failure to submit, in a timely manner, any of the agreed to required payments, will result in the entire remaining balance becoming immediately due and payable, along with any costs, handling charges, penalties and accumulated interest.

8. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes, regulations, and applicable permits.

9. Each signatory of this Consent Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

FINAL ORDER

1. Respondent shall pay a mitigated civil penalty of Twenty-nine Thousand Seven Hundred Dollars (\$29,700), pursuant to the schedule set forth in paragraph 4 of the Consent Agreement.

2. Payments shall be by cashier's or certified checks, made payable to the United States Treasury, and shall bear the docket number for this matter, and shall be mailed to:

EPA- Region VII
Regional Hearing Clerk
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

3. Each party shall bear its own costs and attorney's fees in connection with this action.

RESPONDENT:

Douglas Products & Packaging

By: 

Title: President

Date: 11-13-2002

COMPLAINANT:

By: 

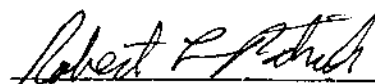
Henry F. Rompage
Office of Regional Counsel
EPA, Region VII

Date: 11-20-02

In the Matter of: FIFRA-07-2003-0011

Douglas Products and Packaging
Docket No. FIFRA

IT IS SO ORDERED. This Order shall become effective immediately.



Robert L. Patrick
Regional Judicial Officer

Date: December 2, 2002